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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/025,395	02/18/1998	NILS R.C. RYDBECK	P-4015.100	9530
24112	7590	04/22/2004	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			MOORE, JAMES K	
			ART UNIT	PAPER NUMBER
			2686	
DATE MAILED: 04/22/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/025,395	RYDBECK ET AL.
	Examiner	Art Unit
	James K Moore	2686

*h* -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 February 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,8-19 is/are rejected.
- 7) Claim(s) 6 and 7 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 May 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. The Examiner has reviewed the original restriction requirement of October 25, 1999 and the subsequent traversal on December 10, 1999. The Applicants' traversal is persuasive, thus the restriction requirement has been withdrawn and claims 1-10 have been examined.
  
2. Regarding claims 11-19, the declaration filed on February 2, 2004 under 37 CFR 1.131 is sufficient to overcome the Kikinis reference.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
  
4. Claims 1-4, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson (U.S. Patent No. 6,516,466).

Regarding claim 1, Jackson discloses a mobile radio communication device (portable digital cellular device 34) comprising a transceiver unit (36) for transmitting and receiving audio signals, and a speaker connected to the transceiver unit for converting audio signals received by the transceiver unit into audible signals which can be heard by a user. See Figures 3 and 4a, and col. 3, line 36 – col. 4, line 35. It is inherent that the device comprises a microphone connected to the transceiver unit for

converting the user's voice into audio signals for transmission by the transceiver since the device uses voice recognition to request audio signals. The device also comprises memory (44) connected to the transceiver unit for storing pre-recorded audio for subsequent playback through the speaker.

Regarding claim 2, Jackson discloses all of the limitations of claim 1, and also discloses that the memory may be an erasable memory (such as RAM). See col. 3, lines 32-36 and 46-49.

Regarding claim 3, Jackson discloses all of the limitations of claim 1, and also discloses that the memory may be an unerasable memory (such as a PROM). See col. 3, lines 32-36 and 46-49.

Regarding claim 4, Jackson discloses all of the limitations of claim 1, and also discloses that the memory is contained in the transceiver unit (reading the whole device 34 as a transceiver unit). See Figure 3.

Regarding claim 8, Jackson discloses all of the limitations of claim 1, and also discloses that the device includes a headset, and that the speaker and microphone are mounted to the headset. See Figure 4a.

Regarding claim 9, Jackson discloses all of the limitations of claim 1, and also discloses that the device includes an input port (where the data bus 40 connects to the memory) for loading audio into the memory. See Figure 3.

5. Claims 1, 11-13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodman (U.S. Patent No. 5,594,779).

Regarding claim 1, Goodman discloses a mobile radio communication device comprising a transceiver unit (76/80/100) for transmitting and receiving audio signals, a speaker (62) connected to the transceiver unit for converting audio signals received by the transceiver unit into audible signals which can be heard by a user, a microphone (60) connected to the transceiver unit for converting the user's voice into audio signals for transmission by the transceiver, and a memory (82) connected to the transceiver unit for storing pre-recorded audio for subsequent playback through the speaker. See Figure 4 and col. 12, line 1 – col. 13, line 7.

Regarding claim 11, Goodman discloses a cellular telephone having an entertainment module for playing pre-recorded audio and video signals. The telephone comprises a transceiver (76/80/100) for transmitting and receiving audio and data signals, a microprocessor (68/104) for controlling the operation of the transceiver, a signal processing circuit (MAPOD decoder/encoder 84) connected to the transceiver and microprocessor for processing signals transmitted and received by the transceiver, and an entertainment module (MAPOD) with a computer memory (82) connected to the microprocessor (104) and signal processing circuits for storing audio and video signals for subsequent playback under the control of the microprocessor. See Figures 4 and 7, col. 12, line 1 – col. 13, line 7, and col. 14, line 63 – col. 16, line 33.

Regarding claim 12, Goodman discloses all of the limitations of claim 11, and also discloses that the memory may comprises an erasable and programmable memory. See col. 15, lines 53-54.

Regarding claim 13, Goodman discloses all of the limitations of claim 12, and it is inherent that the telephone includes an input coupled to the erasable and programmable memory for downloading and storing the audio and video signals in to the erasable and programmable memory.

Regarding claim 18, Goodman discloses all of the limitations of claim 12, and also discloses that the microprocessor is pre-programmed to preempt output from the erasable and programmable memory in response to an incoming call or the initiation of an outgoing call. See col. 12, lines 12-25.

***Claim Rejections - 35 USC § 103***

6. Claims 5 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of well known prior art.

Regarding claim 14, Goodman discloses all of the limitations of claim 11, but does not disclose that the memory comprises a permanent memory which is removable from the cellular telephone for storing and playing audio and video signals. However, the examiner takes Official Notice that it is well known in the art to use removable permanent memory in a cellular telephone for storing data that the user may wish to use with devices other than the cellular telephone. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goodman, such that the memory comprises a permanent memory which is removable from the cellular telephone for storing and playing audio and video signals, so that a user may use the signals with other devices.

Regarding claim 15, Goodman discloses all of the limitations of claim 11 and also discloses that the entertainment module includes a first memory (picture RAM 135) which is programmable and erasable, an input coupled to the first memory for downloading and storing audio and video signals into the first memory, and a second memory (82) having pre-recorded audio and video signal stored therein. See Figures 4 and 7 and col. 16, lines 17-19. Goodman does not disclose that the second memory is permanent. However, the examiner takes Official Notice that it is well known in the art to use a permanent memory in a cellular telephone to store information that a user does not want erased. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goodman, such that the second memory is a permanent memory, in order to prevent the pre-recorded audio and video signals from being erased.

Regarding claims 5 and 16, Goodman in view of well known prior teaches all of the limitations of claims 1 and 15. Goodman does not disclose that the second memory is a removable and interchangeable memory cartridge. However, the examiner takes Official Notice that it is well known in the art to use interchangeable memory cartridges (such as smart cards) with cellular telephones to store information and use the information with other devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goodman, such that the second memory is a removable and interchangeable memory cartridge, in order to use the audio and video signals with other devices.

Regarding claim 17, Goodman discloses all of the limitations of claim 12, but does not disclose that the erasable and programmable memory is coupled to a headset port in the cellular telephone, thereby permitting audio signals to be directed from the erasable and programmable memory to a headset coupled to the cellular telephone via the headset port. However, the examiner takes Official Notice that it is well known in the art to couple a headset to a cellular telephone for playing audio signals so that a user does not have to hold the telephone to his ear in order to hear the signals. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goodman such that the erasable and programmable memory is coupled to a headset port in the cellular telephone, thereby permitting audio signals to be directed from the erasable and programmable memory to a headset coupled to the cellular telephone via the headset port, in order to allow a user to listen to the audio signals without having to hold the telephone to his ear.

7. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of Chin (U.S. Patent No. 5,661,788).

Regarding claims 10 and 19, Goodman discloses all of the limitations of claims 1 and 12, but does not disclose that the telephone includes a screening memory in communication with the microprocessor for storing a list of preferred callers, or that an output from the erasable and programmable memory is not preempted in response to an incoming call unless the incoming call is from a caller on the list of preferred callers.

Chin discloses a cellular telephone including a screening memory (112). The telephone provides notification to the user of an incoming call only when the incoming call is from a caller on a list of preferred callers in the screening memory. This allows a user to screen their calls. See Abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goodman, such that the user is provided notification of an incoming call only when the incoming call is from a caller on a list of preferred callers in a screening memory, and the audio output is thereby preempted only when the caller is a preferred caller, in order to allow a user to screen their calls.

***Allowable Subject Matter***

8. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

Art Unit: 2686

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

*-JKM*

4/19/04

*Charles Appiah*  
CHARLES APPIAH  
PRIMARY EXAMINER